\* Case No. 94-236-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Albert Krebs and Susan L. Krebs, his wife, for that property known as 7428 Greenbank Road in the Oliver Beach subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow pilings (pier) 6-1/2 ft. from each divisional line in lieu of the required 10 ft. each, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Coming Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this  $34^{46}$  day of January, 1994 that the Petition for a Zoning Variance from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow pilings (pier) 6-1/2 ft. from each divisional line in lieu of the required 10 ft. each, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition. 2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion

of their review of this matter. Muther Korrows

TIMOTHY M. KOTROCO. Deputy Zoning Commissioner for Baltimore County

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Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 24, 1994

Mr. and Mrs. Albert Krebs 7428 Greenbank Road Baltimore, Maryland 21220

> RE: Petition for Administrative Zoning Variance Case No. 94-236-A Property: 7428 Greenbank Road

Dear Mr. and Mrs. Krebs:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 74 28 GREENSANK FR 21215

which is presently zoned This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sectionits; 417.4 To allow pilings (pier) 6 T/2 for from each divisional like it income force

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, findicate cardship or practical difficulty) FRACTE OF DIFFERENCE TY = 144 TE FORE TO THE THE TE FORE THE PROPERTY CONTRACTOR OF THE TENESTY TO THE TENESTY THE T Assum RAMS WAGES THE LY AST WASGE FOR THE TOP STORAGE TOWN OF FORTHER WAS AS A STORAGE Fore the Des is A Bom with A IEN LA TORIGH For Brown derben true less in wing is to THE FACT THAT THE BOAR COME HAVE TO BE THERED OF A CIDE TO ACTED THE PERSONS FROM THE CHARSTHARD GARRY, OR BORN TRAPPORT ON THE END OF THE STATE OF A CONTROL OF THE STATE OF EXPORT THE CONTRACTOR STATES OF BURN TRAPPORT ON THIS STATE IS THE CONTRACT OF Constict Will Limit I'm Ust. Two Sixthen Front Jermin in Francis on the long in the manner of the Property is to be posted and advertised as prescribed by Zoning Regulations f, or we, agree to pay expenses of above Variance advertising posting etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Eaw for Baltimore Courty.

Ments in System may specify a proper many proper may pair all the control of ments of the control of the proceeding which is the subject of may be a subject. Contract Purchaser Lessee ALBERT A FREE, IR Type or Print Name delet A. Kent Signature Attorney for Petitioner 7428 GREENINGER A. 14, 53. 4724 (Type or Print Name) BAC ITM SYLVE AND State Transition of the Address and phone number of representative in the control of the Cont Sign Itue Acres A FRASI in A Public Hearing having been requested and or found to be required it is ordered it in the lasting Scann shorter of Baltimore Counts in the lasting state of the state of the

that the subject matter of this petition is business or secured by the formal Regulations of Batteriale County and that the property is recorded by the formal Regulations of Batteriale County, and that the property is required.

Toning Commissioner of Byte misser . . . . .

CRITICAL

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7428 GREAUGANE R

PRACTICAL DIFFICULTY - REMOVE AS STATED ON THE REVENUE SIDE OF THIS APPROAVIT FOR MY

PATITION FOR ADMINISTRATIVE VARIANCE - THE NEILINGOL, ON BOTH SIDEL OF MY PROPERTY DO NOT UBJECT TO Tom Rays On SKIRKER DISTANCES AT TOM PROPERTY LINES. SEE

- ADDROVA DA THIS VANIMULE WILL NOT FRANCE ANYONE IN A NEGATIVE MANNER

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

# HEREBY CERTIFY, this 10 day of DCCCNBCr., 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ALBERT A Krebs Jr & Susan L. Krebs the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabuve set forth are true and correct to the best of his/her/their knowledge and belief.

BALTIMORE COUNTY ZONING COMMISSIONER MARYLAND STATE DEPT. OF NATURAL RESOURCES ARMY CORPS OF ENGINEERS

FROM: ALBERT A. & SUSAN L. KREBS JR.

94-236-A

SUBJECT: PIER & PILING ADDITTIONS AT 7426 GREENBANK RD. AS THE NEIGHBORS ON BOTH SIDES OF THE PROPERTY AT 7428 GREENBANK RD. WE HAVE SEEN THE THE PLANS AS PROPOSED AND DO NOT OBJECT TO THE PLAN OR THE SET BACK DISTANCES ON THE

James F. Schenerman Therenun Day & Schenermen

C. EL WARD DOMINICI Carriere & Domined

OWNERS: 7426 GREENBANK RD.

OWNERS: 7430 GREENBANK RD.

I AM SUBMITTING THIS LETTER TO LET ALL OF THE ABOVE AGENCIES KNOW THAT THE NEIGHBORS ON BOTH SIDES OF MY PROPERTY HAVE SEEN MY PLANS AND DO NOT OBJECT TO THIS MODIFICATION.

Susan L. Keeps 12/19/15

OWNERS: 7428 GREENBANK RD.

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 7428 GREENBANK RD. 21220 Councilmanic District \_\_\_\_5

Beginning at a point on the NOATH (north, south, east or west) GREENSAME Rp. which is 30' (street on which property fronts) (number of feet of right-of way width) wide at a distance of 15' North of (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street. East GARENBALK RE (name of street)

wide. \*Being Lot # 29 Block \_\_\_\_\_, Section # A in the subdivision of

OLIVER BEACH as recorded in Baltimore County Plat (name of subdivision) Book # 9 , Folio # 97 , containing (square feet and acres)

> \*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_, Folio \_\_\_ " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZUMING DEPARTMENT OF BALTIMORE COUNTY 94-236-4

<b>1</b>	Towns, Maryland
Posted for: Verience	Date of Posting 17/1/93
Potitioner: About At Sur	x L. Muss
Location of property: 7/128 6 Yam	bonk RJ, N/S.
Location of Signer Facing Toodway,	on freporty decry toxed
Remarks:	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
	Date of return: 12/23/93
Number of Signe:	

site: 7428 Greenbank Rd.

Account: R-001-6150 Item Number 242 12-10-93 94-236-A Albert A. Krebs

CRITICAL

#010 \_\_\_ ADMIN, Vorignee (Res) \_\_ \$50. \$ 080 \_\_\_\_ Sign & posting \_\_\_\_ 35.00 Total \$500

O3AO3NO3D7HTCHRC

BA CQ11=17AM12-10-93

12/10/93

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

ATTACHED COPY OF SIGNED STATEMENT FROM NEIGHBORS

AS WITNESS my hand and Notarial Seal.

RE: Case No. 94 236 A. Item No. 242 Petitioner: Albert A. Krebs, Jr., et ux Potition for Administrative Variance

Dear Mr. and Mrs. Krebs:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on December 10, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

17 1013

Re: Baltimore County Item No.: \* 242 ( 7 ) 1)

Dear Ms. Minton:

Room 109

Ms. Charlotte Minton

Zoning Administration and

Development Management

111 W. Chesapeake Avenue

Towson, Maryland 21204

County Office Building

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief **Engineering Access Permits** 

My telephone number is \_\_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

94-2364

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 22, 1993

Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Items No. 226, 227, 238, 234, 237, 238, 239, 240, 242, and 244

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Arnold E. Jablon, Director Office of Zoning Administration and Development Management

DATE: February 3, 1994

J. James Dieter SUBJECT: Petition for Setback Variance Zoning Item 242, Krebs Property

Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 7428 Greenbank Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Albert Krebs

**APPLICANT PROPOSAL** 

The applicant has requested a variance to the 10 foot side yard setback to allow 10 proposed mooring pilings to be 61 feet from the property line extensions. The variance would provide the applicant the opportunity to build a 48 foot extension onto his existing 120 foot pier as well as creating two 40 foot long slips and a "T" between the existing pier and proposed extension.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands:
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts\* <COMAR 14.15.10.01.0>.

Mr. Arnold E. Jablon

February 3, 1994

## **REGULATIONS AND FINDINGS**

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting of December 20, 1993

The Department of Environmental Protection and Resource Management offers

The Department of Environmental Protection and Resource Management requests

whether the proposed development is in compliance with the Chesapeake Bay

preparation of a Critical Area Findings for the development. The applicant

may contact the Environmental Impact Review Section at 887-3980 for details.

Critical Area regulations. The applicant must submit a Critical Area

Findings Plan for review and approval by this Department prior to

an extension for the review of the above-referenced zoning item to determine

the following comments on the above-referenced zoning item.

Mr. Arnold Jablon, Director

Zoning Administration and

J. Lawrence Pilson 126 / Chs

Development Coordinator, DEPRM

Development Management

SUBJECT: Zoning Item #242 - Krebs

JLP:GS:sp

KREBS/DEPRM/TXTSBP

7428 Greenbank Road

December 29, 1993

Regulation: "The natural vegetation occurring in the buffer shall remain undisturbed. Except as provided in Section 26-450. vegetation shall be planted in the buffer where necessary to protect, stabilize, or enhance the shoreline" <Baltimore County Code, Section 26-449(d)>

> <u>Finding:</u> No disturbance of vegetation in the 100 foot buffer will occur. Therefore, the proposed pier extension is in compliance with the above regulations.

Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

<u>Finding:</u> No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

Regulation: "In developing their Critical Area Programs, local jurisdictions shall provide protection for those species in need of conservation and threatened and endangered species, and their habitats which occur in the Critical Area." < COMAR 27.01.09.03.B.>

<u>Finding:</u> No threatened or endangered species, species in need of conservation, or associated habitats occur within the vicinity of the proposed pier extension. Therefore, the proposed development is in compliance with this regulation.

- Regulation: "In developing their Critical Area Programs, local jurisdictions shall use the following policies with regard to
  - (1) Protect the instream and stream bank habitat of anadromous fish propagation waters:

700 East Joppa Road Soite 901

Baltimore County Office Building

Towson, MD 21286 5500

Zoning Administration and

Development Management

Towson, MD 21204

RE: Property Owner: ALPERT A. MREBS, Mr. & SUMAN D. FREP.

Baltimore County Government

Fire Department

LOCATION: N/S GREENBANK RD., 15' N OF CENTERLINE OF EAST GREENBANK PL. Item No.: 242 (JJS) Zoning Agenda: ADMIN. VAPIANCE

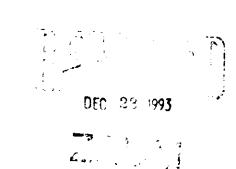
#### Gentlemen:

\*Arnold Jablon

Director

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.



the contract of the

REVIEWER: LT. ROBERT P. SAUERWALD Fire Prevention, PHONE 887-4881, MS-1102F cc: File Printed on Recycled Paper

> Mr. Arnold E. Jablon February 3, 1994

- (2) Promote land use policies and practices in the watershed of spawning streams within the Critical Area which will minimize the adverse impacts of development on the water quality of streams; and
- (3) Provide for the unobstructed movement of spawning and larval forms of anadromous fish in streams. <COMAR 27.01.09.05.B.> Finding: No adverse impacts to anadromous fish propagation

waters are proposed by this development, in compliance with the

Policy: Pier permits - "The project must comply with Army Corps of Engineers General Permit requirements or have an approved Army Corps of Engineers permit." <Baltimore County Policy, Rules and Regulations Manual>

Finding: If granted, the variance would allow the applicant to potentially create ten (10) boat slips, although the applicant claims that his thirty-six (36) foot boat requires two forty (40) foot slips. To comply with the above policy, the applicant must provide a copy of his Army Corps of Engineers permit to the Department prior to building permit approval.

## CONCLUSION

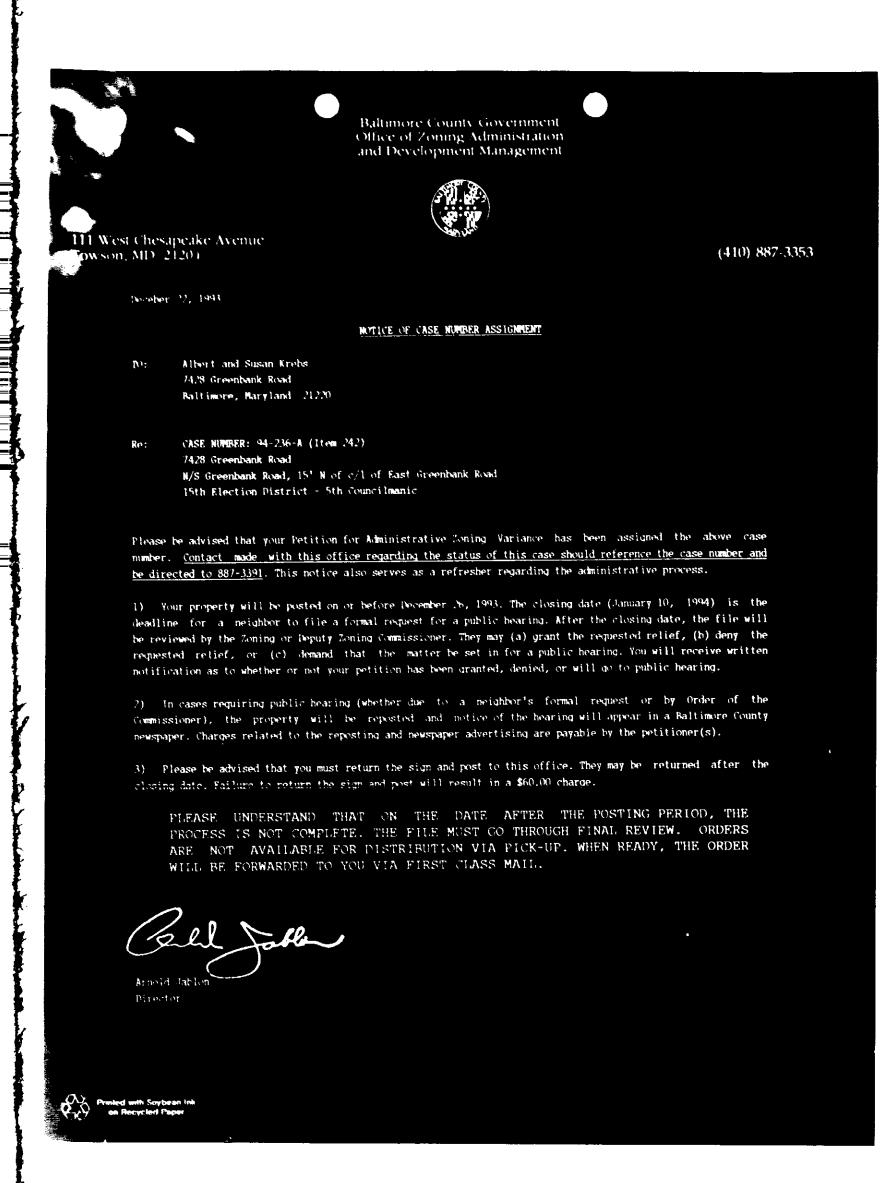
The proposed development will comply with Chesapeake Bay Critical Area regulations if conditioned to meet the above regulations and policies. If there are any questions, please contact Mr. Glenn Shaffer at

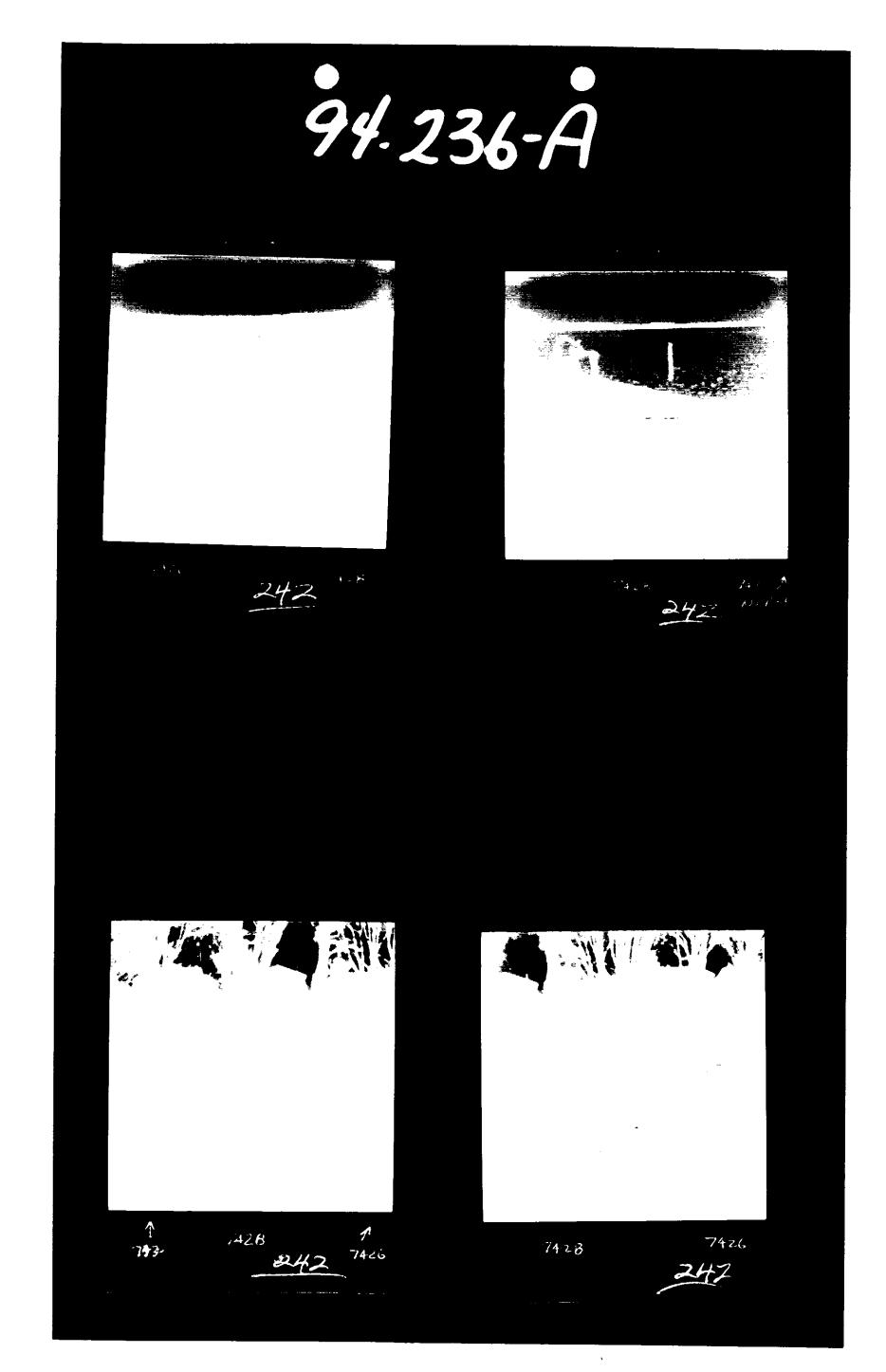
> Department of Environmental Protection and Resource Management

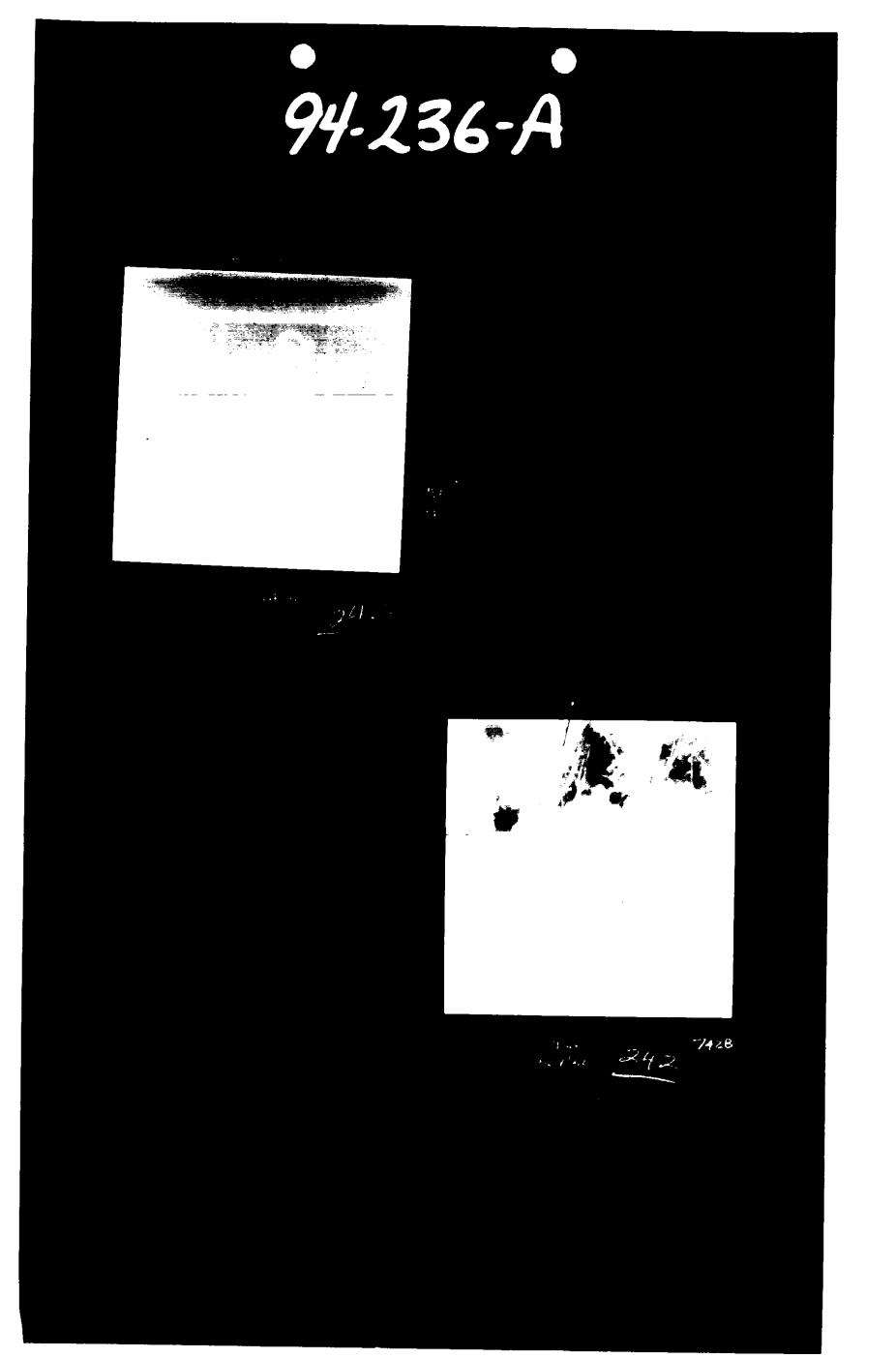
JJD/GES/tmm

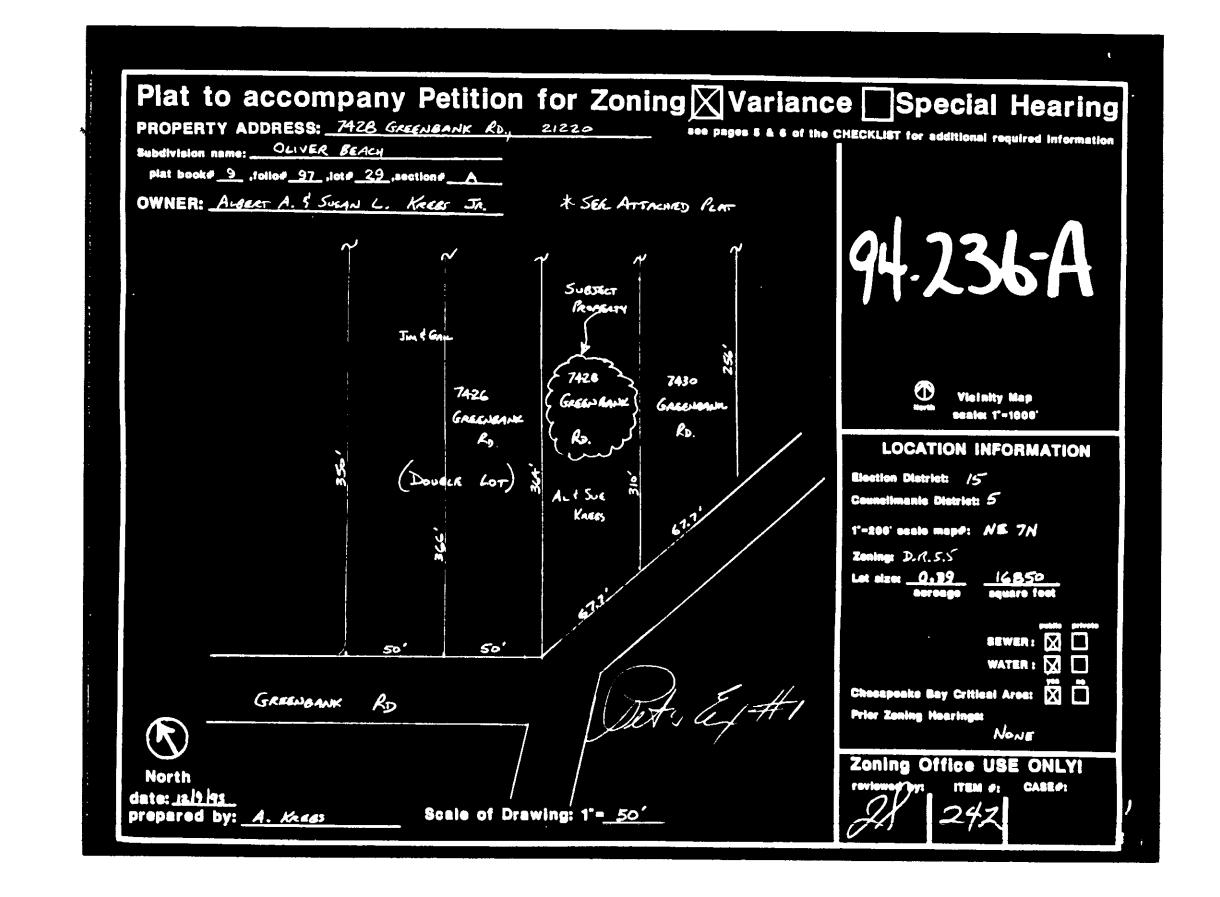
KREBS/DEPRM/WQCBCA

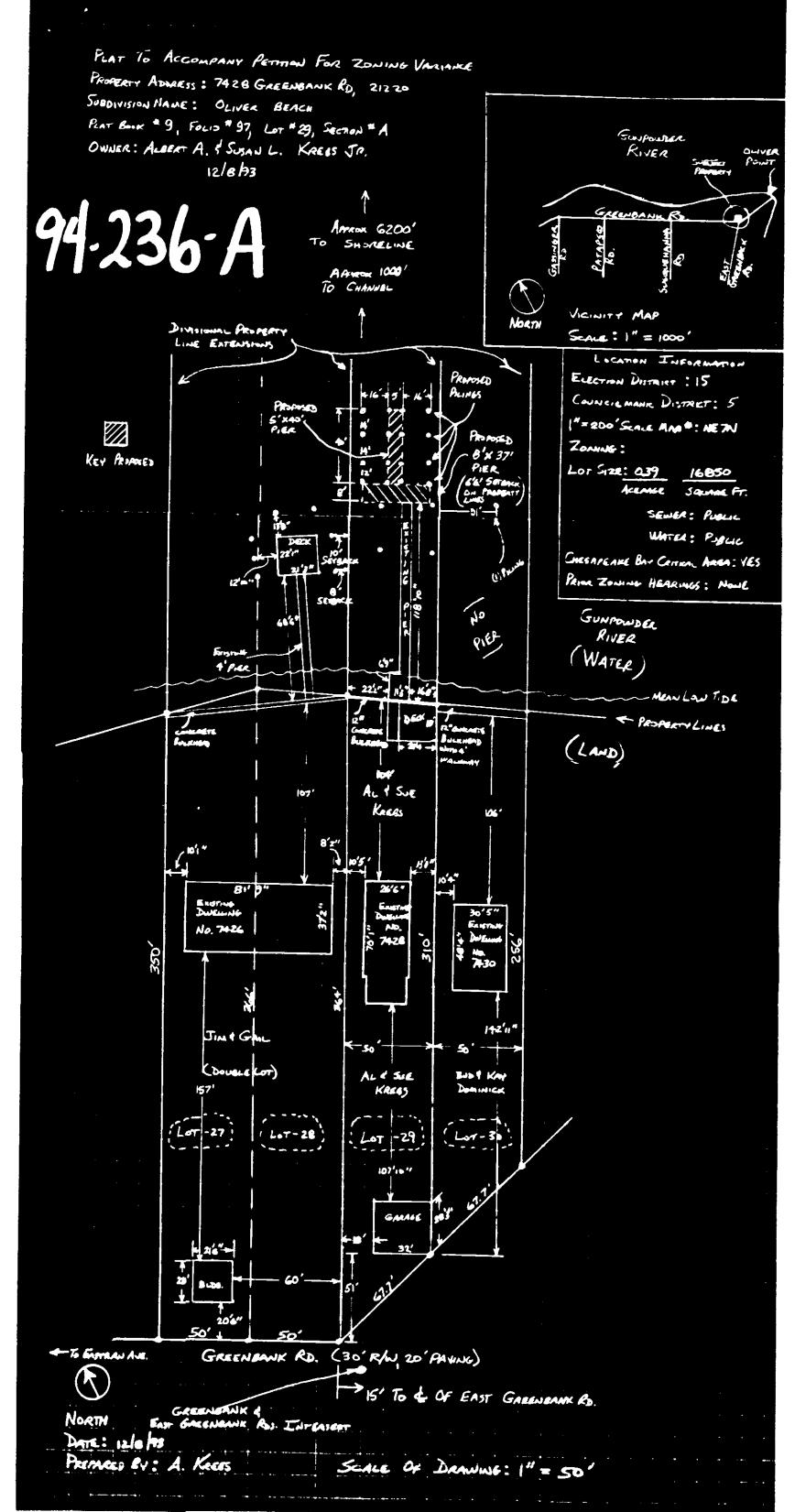
ZAC. 226/PZONE/ZAC1











SUBJECT SITE